

**STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.**

0 Valuation of Security 0 Assumption of Executory Contract or Unexpired Lease 0 Lien Avoidance

Last revised: September 1, 2018

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In Re:

Sean Lewis

Case No.:

19-23159

Judge:

Papalia

Debtor(s)

**Chapter 13 Plan and Motions**

☐ Original

☒ Modified/Notice Required

Date: September 27, 2019

☐ Motions Included

☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE

**YOUR RIGHTS MAY BE AFFECTED**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney:

Initial Debtor:

Initial Co-Debtor:

**Part 1: Payment and Length of Plan**

a. The debtor shall pay \$ 1,138.00 per month to the Chapter 13 Trustee, starting on October 1, 2019 for approximately 58 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: \_\_\_\_\_

☐ Refinance of real property:

Description:

Proposed date for completion: \_\_\_\_\_

☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: \_\_\_\_\_

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☒ Other information that may be important relating to the payment and length of plan:

\$1,066.00 paid to date. Plan calls for payments as follows: \$533.00 for 2 months and \$1,138.00 x 58 months .

**Part 2: Adequate Protection ☒ NONE**

a. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: \_\_\_\_\_ (creditor).

**Part 3: Priority Claims (Including Administrative Expenses)**

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$ 4,250.00
DOMESTIC SUPPORT OBLIGATION	N/A	

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:

Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount.		

**Part 4: Secured Claims**

**a. Curing Default and Maintaining Payments on Principal Residence:** ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
US Bank National/ Midland Mortgage	Mortgage 160 Virginia Avenue, Jersey City, NJ	\$27,848.00		\$27,848.00	\$1,385.00

**b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears:** ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Deutsche Bank/Select Portfolio Servicing	1st Mtg 111 Mallory Ave JC NJ	\$3,768.00		\$3,768.00	\$366.00
Real Time Resolutions	2nd Mtg 111 Mallory Ave JC NJ	\$24,036.00		\$24,036.00	\$0.00

**c. Secured claims excluded from 11 U.S.C. 506:** ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

**d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments** ☒ **NONE**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**e. Surrender** ☒ **NONE**

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

**f. Secured Claims Unaffected by the Plan** ☒ **NONE**

The following secured claims are unaffected by the Plan:

**g. Secured Claims to be Paid in Full Through the Plan:** ☒ **NONE**

Creditor	Collateral	Total Amount to be Paid Through the Plan

**Part 5: Unsecured Claims** ☐ **NONE**

**a. Not separately classified** allowed non-priority unsecured claims shall be paid:

☐ Not less than \$ \_\_\_\_\_ to be distributed *pro rata*

☐ Not less than \_\_\_\_\_ percent

☒ *Pro Rata* distribution from any remaining funds

**b. Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid



**Part 6: Executory Contracts and Unexpired Leases ☐ NONE**

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
Herman McKinney	\$0.00	Apartment rental lease (Debtor's tenant)	To continue as per lease agreement.	\$650.00

**Part 7: Motions ☒ NONE**

**NOTE:** All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

**a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f). ☒ NONE**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

**b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.** ☒ **NONE**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified

**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.** ☒ **NONE**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

**Part 8: Other Plan Provisions**

**a. Vesting of Property of the Estate**

- ☒ Upon confirmation  
☐ Upon discharge

**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.



**c. Order of Distribution**

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages 5) Priority Claims 6) General Unsecured Claims

**d. Post-Petition Claims**

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9: Modification ☐ NONE**

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: July 2, 2019

Explain below **why** the plan is being modified:

The plan is being modified to reflect amended treatment of mortgage arrearages.

Explain below **how** the plan is being modified:

The plan is being modified to reflect amended treatment of mortgage arrearages.

Are Schedules I and J being filed simultaneously with this Modified Plan? ☒ Yes ☐ No

**Part 10: Non-Standard Provision(s): Signatures Required**

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

## Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, *Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date:

9/27/2019

Debtor

Date:

Date:

9/27/19

Joint Debtor

Attorney for Debtor(s)

## Certificate of Notice Page 11 of 12

United States Bankruptcy Court  
District of New JerseyIn re:  
Sean Lewis  
DebtorCase No. 19-23159-VFP  
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin  
Form ID: pdf901Page 1 of 2  
Total Noticed: 38

Date Rcvd: Sep 30, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 02, 2019.

db +Sean Lewis, 160 Virginia Avenue, Jersey City, NJ 07304-1419  
cr +Bank of America, N.A., c/o Stern & Eisenberg, 1040 N. Kings Highway, Suite 407,  
Cherry Hill, NJ 08034-1925

518336449 +ACCU Reference Medical Lab, 1901 East Linden Avenue, Linden, NJ 07036-1114  
518336450 +Advocate Total Care Pediatrics, IC System Inc, P.O. Box 64378, St. Paul, MN 55164-0378  
518430915 American Express National Bank, c/o Becket and Lee LLP, PO Box 3001,  
Malvern PA 19355-0701

518336451 +Capital Bank, Attn: Bankruptcy, 1 Church St. # 300, Rockville, MD 20850-4190  
518336453 +Chrysler Capital/Santander Consumer, PO Box 961245, Fort Worth, TX 76161-0244  
518336457 +Deville Mgmt, Attn: Bankruptcy, PO Box 1987, Colleyville, TX 76034-1987  
518336458 +FedLoan Servicing, Attn: Bankruptcy, PO Box 69184, Harrisburg, PA 17106-9184  
518336459 +First Credit Services, Attn: Bankruptcy, PO Box 55 3 Sciles Ave,  
Piscataway, NJ 08855-0055

518341162 +Herman McKinney, 111 Mallory Avenue, Unit 7, Jersey City, NJ 07304-1036  
518336460 +High Point Insurance, PO Box 900, Lincroft, NJ 07738-0900  
518336461 +High Point Safety Ins, Credit Collection Svc, PO Box 773, Needham Heights, MA 02494-0918  
518336463 +KML Law Group PC, Attorneys At Law, 216 Haddon Avenue, Suite 406, Westmont, NJ 08108-2812  
518336464 +Liberty Savings FCU, PO Box 37603, Philadelphia, PA 19101-0603  
518336466 +Midland Mortgage/Midfirst, Attn: Customer Service/Bankruptcy, PO Box 26648,  
Oklahoma City, OK 73126-0648

518336468 +Quality Asset Recovery, PO Box 239, Gibbsboro, NJ 08026-0239  
518336467 +Quality Asset Recovery, Attn: Bankruptcy, PO Box 239, Gibbsboro, NJ 08026-0239  
518336469 +Real Time Resolutions, PO Box 840923, Dallas, TX 75284-0923  
518336470 +Retro Fitness, 1st Card Services, PO Box 55, 3 Sciles Avenue, Piscataway, NJ 08855-7200  
518336474 +Thom/total Crd, 5109 S Broadband Ln, Sioux Falls, SD 57108-2208  
518456745 +U.S. Bank National Association as trustee on behal, 999 Northwest Grand Boulevard,  
Oklahoma City, OK 73118-6051

518336475 US Bank National Association, KML Law Group PC, 216 Haddon Avenue, Westmont, NJ 08108

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Oct 01 2019 00:48:14 U.S. Attorney, 970 Broad St.,  
Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Oct 01 2019 00:48:13 United States Trustee,  
Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
Newark, NJ 07102-5235

518458154 +E-mail/Text: bncmail@w-legal.com Oct 01 2019 00:48:18 CarePoint Health - Physican GSHA,  
C/O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132

518422988 +E-mail/Text: bankruptcy@cavps.com Oct 01 2019 00:48:22 Cavalry SPV I, LLC,  
500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-2321

518336452 +E-mail/Text: bankruptcy@cavps.com Oct 01 2019 00:48:22 Cavalry Spv LLC,  
Bankruptcy Department, 500 Summit Lake Drive Suite 400, Valhalla, NY 10595-2321

518336454 +E-mail/Text: bankruptcy@credencerm.com Oct 01 2019 00:48:29 Credence,  
17000 Dallas Parkway, Suite 204, Dallas, TX 75248-1940

518336455 +E-mail/Text: bankruptcy\_notifications@ccsusa.com Oct 01 2019 00:48:33  
Credit Collection Services, 725 Canton Street, Norwood, MA 02062-2679

518336456 +E-mail/PDF: creditonebknotifications@resurgent.com Oct 01 2019 00:52:39 Credit One Bank,  
Attn: Bankruptcy Department, PO Box 98873, Las Vegas, NV 89193-8873

518457311 E-mail/Text: jennifer.chacon@spservicing.com Oct 01 2019 00:48:37  
Deutsche Bank National Trust Company, c/o Select Portfolio Servicing, Inc., P.O. Box 65250,  
Salt Lake City, UT 84165-0250

518336462 +E-mail/Text: ebn@rwjbh.org Oct 01 2019 00:48:24 Jersey City Medical Center,  
355 Grand Street, Jersey City, NJ 07302-4321

518336465 +E-mail/PDF: resurgentbknotifications@resurgent.com Oct 01 2019 00:52:17 LVNV Funding,  
Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587

518417004 E-mail/Text: bkdepartment@rtresolutions.com Oct 01 2019 00:48:19  
Real Time Resolutions, Inc., 1349 Empire Central Drive, Suite #150,  
Dallas, Texas 75247-4029

518336472 +E-mail/Text: jennifer.chacon@spservicing.com Oct 01 2019 00:48:37  
Select Portfolio Servicing, Inc, Attn: Bankruptcy, PO Box 65250,  
Salt Lake City, UT 84165-0250

518336473 E-mail/PDF: ais.tmobile.ebn@americaninfosource.com Oct 01 2019 00:52:06 T-Mobile,  
Bankruptcy Department, PO Box 53410, Bellevue, WA 98015

518348258 +E-mail/PDF: EBN\_AIS@AMERICANINFOSOURCE.COM Oct 01 2019 01:03:01 T Mobile/T-Mobile USA Inc,  
by American InfoSource as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901

TOTAL: 15

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

518448773\* LVNV Funding, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587

District/off: 0312-2

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 38

Date Rcvd: Sep 30, 2019

518336471    ##+Second Look Inc,    Edward Morris,    1393 Vetern Hwy, Ste 200S,    Hauppauge, NY 11788-3066  
TOTALS: 0, \* 1, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Oct 02, 2019

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 27, 2019 at the address(es) listed below:

Brandon Accardi    on behalf of Creditor    Bank of America, N.A. baccardi@sterneisenberg.com  
Denise E. Carlon    on behalf of Creditor    U.S. Bank National Association as trustee on behalf of  
the holders of Banc of America Funding Corporation Mortgage Pass-Through Certificates, Series  
2006-H dcarlon@kmlawgroup.com,    bkgroup@kmlawgroup.com  
James J. Fitzpatrick    on behalf of Debtor Sean    Lewis nickfitz.law@gmail.com,  
nadiafinancial@gmail.com;jfitzpatrick@fitzgeraldcrouchlaw.com;r53165@notify.bestcase.com  
Kevin Gordon McDonald    on behalf of Creditor    MidFirst Bank kmcdonald@kmlawgroup.com,  
bkgroup@kmlawgroup.com  
Marie-Ann Greenberg    magecf@magtrustee.com  
Nicholas Fitzgerald    on behalf of Debtor Sean    Lewis nickfitz.law@gmail.com  
Steven P. Kelly    on behalf of Creditor    Bank of America, N.A. skelly@sterneisenberg.com,  
bkecf@sterneisenberg.com  
U.S. Trustee    USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 8